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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,405	04/22/2002	Phillip Raymond Michael Denne	THC.P. US0001	8973

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10/03/2002

Andrew B Morton  
Renner Kenner Greive Babak Taylor & Weber  
First National  
4th Floor  
Akron, OH 44308

EXAMINER

AGUIRRECHEA, JAYDI A

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. 10/030,405	Applicant(s) DENNE, PHILLIP RAYMOND MICHAEL	
Examiner Jaydi A. Aguirrechea	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/4/2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two magnetic assemblies must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the coils connected in sets of three as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show:

- the gap left by the coils;
- a hard, slotted dielectric tube;
- a bearing rings/surfaces;
- sealed ends;
- a piston;
- complaint discs;
- lining tube;
- position detectors; and

control units as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-2 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The gap left by the coils; a hard, slotted dielectric tube; and a bearing rings/surfaces are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). In figure 2 all the details are not shown, for example the gap or the bearing surface.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denne (US 5440183) in view of Mosciatti et al. (US 4245917).

Denne et al. teach the use of an electromagnetic actuator comprising  
a sealed cylindrical assembly having first magnetic (Figure 23, first half of tiled cylinder);  
a second magnetic assembly (Figure 23, other half of tiled cylinder);  
the polarity of one of said assemblies being changeable in response to an electrical control signal in order to cause relative movement between the first and second assemblies along an axis of relative movement (Column 3, lines 45-68 and column 4, lines 1-15).

However, it fails to disclose  
one of the assemblies being provided with a fin projecting transversely to said axis of relative movement and  
the other of the assemblies, comprising a plurality of permanent magnetic sections each having pole pieces, being provided with a slot extending parallel to the axis of relative movement and arranged to receive the fin;  
characterized in that the said-other assembly comprises a plurality of magnetic elements in order to create axially alternating magnetic fields.

Mosciatti et al. teach an assembly with a fin and an assembly with slot (201) for the purpose of mechanically coupling the armature to the driving mechanism.

It would have been obvious to one skilled in the art at the time the invention was made to use the assembly with the fin and the slot disclosed by Mosciatti et al. on the electromagnetic actuator disclosed by Denne for the purpose of mechanically couple the armature to the various driving mechanism.

With regards to claim 2, Mosciatti discloses a cylindrical assembly.

With regards to claim 6, Mosciatti discloses the assembly having a plurality of coils wound in order to create a channel to receive the fin of the first assembly. (Column 3, lines 25-40).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denne in view of Mosciatti as applied to claims 1-3 and 5-7 above, and further in view of Stupak, Jr (US 4518881).

Stupak teaches pole pieces tapered towards the outer periphery of the assembly for the purpose of minimizing flux leakage.

It would have been obvious to one skilled in the art at the time the invention was made to use the pole pieces tapered disclosed by Stupak, Jr on the assembly disclosed by Mosciatti for the purpose of minimizing flux leakage.

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaydi A. Aguirrechea whose telephone number is 703-305-2277. The examiner can normally be reached on M-Th 9-7.

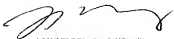
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

jaa

September 30, 2002

  
NESTOR RAMIREZ  
SUPERVISOR EXAMINER  
TECHNOLOGY CENTER 2800